

Central Administrative Tribunal
Principal Bench

O.A. No. 1830 of 1996

New Delhi, dated this the 28th APRIL, 2000

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mr. Kuldip Singh, Member (J)

48

Shri T.R. Mohanty,
S/o Shri R.N. Mohanty,
Computer Literate,
Inter State Council Secretariat,
Ministry of Home Affairs,
Vigyan Bhawan Annex,
Maulana Azad Road,
New Delhi-110011. Applicant

(Applicant in person)

Versus

Union of India through
the Secretary,
Dept. of Statistics,
Ministry of Planning & Programme Implementation,
Sardar Patel Bhawan,
Sansad Marg,
New Delhi-110001. .. Respondents

(By Advocate: Shri K.C.D. Gangwani)

ORDER

Mr. S.R. Adige, VC (A)

Applicant seeks the reliefs contained in
Paragraph 8 of the O.A.

2. In so far as relief 8(1) is concerned,
applicant does not deny that impugned order dated
28.2.95 (Annexure A-1) stands superceded by
respondents subsequent order dated 4.1.96 but during
hearing he had some difficulty in conceding that
that the challenge to impugned order dated 28.2.95
had become infructuous by virtue of respondents'
subsequent,
order dated 4.1.96, as he apprehended that

A9

his claim for promotion to Junior Administrative Grade w.e.f. 16.1.92 might thereby be hit by limitation. Respondents' counsel Shri Gangwani, however, pointed out that applicant had separately impugned respondents' order dated 4.1.96 in O.A. No. 316/96 which had been heard and in which orders had been reserved, and as the Bench's order in that O.A. when pronounced, would give applicant a fresh cause of action, his claim for promotion to J.A.G. w.e.f. 16.1.92 would not be hit by limitation.

3. It is clear that impugned order dated 28.2.95 having been superceded by respondents subsequent order dated 4.1.96 which applicant has separately impugned, the challenge to impugned order dated 28.2.95 does not survive, and hence no relief can be granted in this O.A. with respect of relief paragraph 8(i).

4. As regards relief 8(ii) the Hon'ble Supreme Court vide their order dated 2.1.95 in C.P. No. 255/94 arising out of Civil Appeal No. 3844/89 granted 8 weeks to Respondents to implement the Tribunal's order dated 28.11.88, pursuant to which Respondents issued the impugned order dated 28.2.95. The Tribunal's order dated 28.11.88 (Annexure A-9) had directed placement of applicant above Respondent No. 3 to 10, in Seniority List of Grade III and payment of salary in the pay scale of Grade III

50

w.e.f. 24.11.87 with arrears, but there was no mention therein of payment of any interest on the arrears, and the Hon'ble Supreme Court also in its order dated 2.1.95 did not order payment of any interest ^{on} arrears. We are bound absolutely by the aforesaid order of the Hon'ble Supreme Court dated 2.1.95 and, therefore, relief 8(ii) is rejected.

5. In so far as the relief 8(iii) is concerned, no rule or instruction has been cited by applicant requiring respondents not to award arrears in a lumpsum, so as to obviate applicant's liability to pay ~~income~~ tax on the same. Hence this relief also fails.

6. In so far as the reliefs 8(iv) & 8(v) are concerned a perusal of the impugned order dated 28.2.95 makes it clear that the Hon'ble Supreme Court directed Respondents to pay costs of Rs.10,000/- to applicant in respect of Civil Appeal No. 3844/89 filed by them and these costs have admittedly been paid to applicant. Hence the question of awarding damages to applicant or fixing responsibility on individual officers amongst respondents, does not arise, as the same would be going beyond the directives of the Hon'ble Supreme Court.

51

7. With the above observations, the O.A. is dismissed. No costs.

K. Singh
(Kuldip Singh)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

/GK/